

From: Alex Jacques
To: Microsoft ATR
Date: 1/24/02 4:00pm
Subject: Microsoft Settlement

I am aghast that after having successfully prosecuted the anti-trust case against Microsoft (and after having it almost entirely upheld on appeal), the DOJ is willing to accept an incredibly weak and ineffectual "remedy".

The loopholes and flaws in the proposed agreement are many, but amongst the more serious are:

1. The definitions of API, middleware and "Windows Operating System Product" are much narrower than in the findings of fact or in common usage. This opens numerous loopholes as it allows Microsoft to continue their anti-competitive practices with products that fall outside of these curiously limited definitions.

2. Information concerning authentication and authorization protocols need only be given to concerns that meet Microsoft's criteria as a business. Given that Microsoft has publicly stated that free software (e.g. Linux, Apache, Samba) is its most serious competition, and that such software is frequently developed outside of normal business organizations, this allows Microsoft to stifle its most serious competitor. Any argument that for security reasons information about authentication and authorization must only be disseminated on a limited basis is spurious. Such arguments are referred to as "security through obscurity", which has been widely discredited in computer security circles. Indeed, the specifications for many of the most widely used and successful security protocols (e.g. Kerberos) are publicly available. Many computer security professionals will not even trust those protocols that are not widely published and studied.

3. There are no requirements that Microsoft publish documentation for any of their proprietary file formats (e.g. Word). Given that Microsoft's anti-competitive practices have made the use of their proprietary file formats almost universal, and that hence the ability for competing software to read such formats is essential to the success of such a product,

this allows Microsoft to forcefully maintain its monopoly.

I urgently hope that the DOJ will reconsider, and only accept an agreement that effectively limits Microsoft's ability to illegally maintain and advance its monopoly.

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